IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 22619 of 2004

Between:

1 Gutta Subbamma, W/o Venkaiah,
R/o Kandukur, Prakasam District.
2 Gundavarapu Sarada, w/o Narasimharao,
Kandukur, Prakasam District.

... PETITIONERS

AND

Mandal Revenue Officer, Kandukur, Prakasam District.

...RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more in the nature of Writ of Mandamus declaring the action of the respondent in his proceedings RCHA/447/2004 dt. 10-11-2004 to resume the land an extent of 240 Sq. Yards in R.S.Nos. 874 and 874/18 of Kandukur, Prakasam District is in contravention of the provisions of A.P. Assigned lands (POT) Act 1977 suffers from non application of mind violative of principles of natural justice, unwarranted, illegal and unsustainable.

Counsel for the Petitioner: MR.C.RAMACHANDRA RAJU

Counsel for the Respondent: GP FOR REVENUE

The Court, at the admission stage, made the following:

ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue appearing for the respondent and with their consent, the writ petition is being disposed of finally at the admission stage.

2. As against the impugned order passed by the respondent in Rc.HA/447/2004 dated 10-11-2004, it is submitted by the learned Government Pleader and admitted by the learned counsel for the petitioners that an effective alternative remedy by way of an appeal is available to the petitioners before the Revenue Divisional Officer concerned.

3. Inasmuch alternative remedy by way of appeal is available to the petitioners against the impugned order; I deem it appropriate to dispose of the writ petition with the following directions:

4. The petitioners are at liberty to file an appeal before the Revenue Divisional Officer concerned, challenging the impugned order passed by the respondent, within a period of six weeks. On filing such appeal along with the interlocutory application, the Revenue Divisional officer is directed either to consider and dispose of the interlocutory application or the appeal itself and pass appropriate orders either on the appeal or the interlocutory application. Till appropriate orders are passed on the interlocutory application, there shall be stay of eviction of the petitioners from the land in question.

The writ petition is accordingly disposed of at the admission stage.

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N.V. RAMANA, J

December 7, 2004

Note: Furnish copy by wire at partys' costs.

(B/o)

MRR/KSR

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

1. Mandal Revenue Officer, Kandukur, Prakasam District.
2. Two C.C. s to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT).
3. The Revenue Divisional Officer, Kandukur, Prakasam District.
4. Two C.D. copies.